

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JIMMIE MARSHALL,

Plaintiff,

vs.

No. CIV 99-1363 LH/LCS

CITY OF HOBBS, CAPTAIN TONY
KNOTT, SERGEANT WALTER ROYE, and
OFFICER RODNEY PORTER,

Defendants.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on the Plaintiff's Objections to the Magistrate Judge's Order Denying the Plaintiff's Motion to Modify the Pretrial Order and Re-Open Discovery and Granting the Defendants' Motion to Strike the Plaintiff's Expert Witness (Docket No. 160). The Court, having considered the pleadings submitted by the parties, the applicable law, and otherwise being fully advised, finds that the objections are **not well taken** and should be **denied**.

The Plaintiff has filed objections to Judge Smith's order denying the Plaintiff's motion to modify the pretrial order and re-open discovery and granting the Defendants' motion to strike the Plaintiff's expert witness. "Within 10 days after being served with a copy of the magistrate judge's order, a party may serve and file objections to the order; a party may not thereafter assign as error a defect in the magistrate judge's order to which objection was not timely made." FED. R. CIV. P. 72(a).

Judge Smith entered his order on July 2, 2004. The Plaintiff filed his objections to that Order on July 20, 2004. The Plaintiff's objections were not filed within ten days of the entry of Judge Smith's Order, as computed according to FED. R. CIV. P. 6(a). The Plaintiff's objections are therefore untimely and will not be considered.

IT IS THEREFORE ORDERED that the Plaintiff's Objections to the Magistrate Judge's Order are **denied**.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "LeRoy Hansen", is written over a horizontal line.

SENIOR UNITED STATES DISTRICT JUDGE